

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA

ORDER OF JUDICIAL REMOVAL

- against -

Criminal Docket No. 18 Cr. 545 (SHS)

ALVIN PEREZ,

Defendant.

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Upon the application of the United States of America, by Nicholas Folly and Andrew Chan, Assistant United States Attorneys, Southern District of New York; upon the Factual Allegations in Support of Judicial Removal; upon the consent of ALVIN PEREZ (the “defendant”); and upon all prior proceedings and submissions in this matter; and full consideration having been given to the matter set forth herein, the Court finds:

1. The defendant is not a citizen or national of the United States.
2. The defendant is a native and citizen of the Dominican Republic.
3. The defendant was admitted to the United States at or near the Fort Lauderdale - Hollywood International Airport (FLL), FL on or about February 12, 2014 as a temporary non-immigrant for pleasure with authorization to remain in the United States until August 11, 2014.
4. At the time of sentencing in the instant criminal proceeding, the defendant will be convicted in the United States District Court, Southern District of New York, of the following offenses: Conspiracy to Distribute: (i) 400 grams and more of mixtures and substances containing a detectable amount of fentanyl; (ii) 1 kilogram and more of mixtures and substances containing a detectable amount of heroin; and (iii) 5 kilograms and more of mixtures and substances containing a detectable amount of

cocaine, in violation 21 U.S.C. §§ 841(b)(1)(A), 846; and Conspiracy to Commit Money Laundering, in violation of 18 U.S.C. § 1956(h), as it relates to 18 U.S.C. §§ 1956(a)(1)(A)(i), 1956(a)(1)(B)(i).

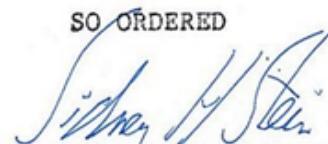
5. The above-mentioned offenses carry maximum terms of life imprisonment and twenty (20) years' imprisonment, respectively.
6. The defendant is, and at time of sentencing will be, subject to removal from the United States pursuant to Section 237(a)(1)(B) of the Immigration and Nationality Act of 1952, as amended ("INA" or the "Act"), 8 U.S.C. § 1227(a)(1)(B), in that after admission as a nonimmigrant under Section 101(a)(15) of the Act, he has remained in the United States for a time longer than permitted; Section 237(a)(2)(A)(i) of the INA, 8 U.S.C. § 1227(a)(2)(A)(i), as an alien who is convicted of a crime involving moral turpitude committed within five years after the date of admission, and is convicted of a crime for which a sentence of one year or longer may be imposed; Section 237(a)(2)(B) of the INA, 8 U.S.C. § 1227(a)(2)(B), as an alien who at any time after admission has been convicted of a violation of (or a conspiracy or attempt to violate) any law or regulation of a State, the United States, or a foreign country relating to a controlled substance (as defined in section 802 of title 21), other than a single offense involving possession for one's own use of 30 grams or less of marijuana; and Section 237(a)(2)(A)(iii) of the INA, 8 U.S.C. § 1227(a)(2)(A)(iii), as an alien who is convicted of an aggravated felony, as defined under Sections 101(a)(43)(B), (D), and (H) of the INA, at any time after admission.
7. The defendant has waived his right to notice and a hearing under Section 238(c) of the INA, 8 U.S.C. § 1228(c).

8. The defendant has waived the opportunity to pursue any and all forms of relief and protection from removal.
9. The defendant has designated the Dominican Republic as the country for removal pursuant to Section 240(d) of the INA, 8 U.S.C. § 1229a(d).

WHEREFORE, IT IS HEREBY ORDERED, pursuant to Section 238(c) of the Act, 8 U.S.C. § 1228(c), that the defendant shall be removed from the United States promptly upon his release from confinement, or, if the defendant is not sentenced to a term of imprisonment, promptly upon his sentencing, and that the defendant be ordered removed to the Dominican Republic.

Dated: New York, New York

July 20, 2020

SO ORDERED

SIDNEY H. STEIN
U.S.D.J.